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FACSIMILE COVER SHEETDATE: June 18, 2007OUR REF.: RCHP-137US

TIME: _____

APPL. NO.: 10/589,711

TO:	PCT Legal Administration
COMPANY:	U.S. Patent and Trademark Office
FROM:	Joy Mulholland
FAX TELEPHONE:	571-273-0459
OFFICE TELEPHONE:	
TITLE OF DOCUMENT:	Copies of a Response to Notification of Missing Requirements and a Petition Under 37 C.F.R. § 1.181 filed with the U.S. Patent Office on June 18, 2007.

Total Number of Pages: 18 (including this form)**COMMENTS**

Dear Sir/Madam:

Attached are copies of a Response to Notification of Missing Requirements and a Petition Under 37 C.F.R. § 1.181 for Removal of the Requirement for a Sequence Listing, the originals of which were sent by First Class Mail to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on June 18, 2007.

CONFIDENTIAL AND PRIVILEGED ATTORNEY/CLIENT INFORMATION

This facsimile transmission (and/or documents accompanying it) may contain attorney/client privileged communications and confidential business information that is intended for use only by the individual or company to whom it is addressed. Disclosure, interception, copying or any other use of this transmission by anyone other than any intended recipient is prohibited. If you receive this transmission by mistake, please notify the sender.

Please notify us immediately if you have not received the number of pages indicated above.

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PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY DOCKET NUMBER RCHP-137US	
INTERNATIONAL APPLICATION NO. PCT/US2004/011794		U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/589,711	
INTERNATIONAL FILING DATE 16 April 2004 (16.04.2004)		PRIORITY DATE CLAIMED 17 February 2004 (17.02.2004)	
TITLE OF INVENTION GENE AND CELL DELIVERY SELF EXPANDING POLYMER STENTS			
APPLICANT(S) FOR DO/EO/US KO, Frank; LEVY, Robert J.; ALFERIEV, Ivan; and FISHBEIN, Ilia			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.			
2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.			
3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.			
4. <input type="checkbox"/> The US has been elected (Article 31).			
5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))			
a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).			
b. <input type="checkbox"/> has been communicated by the International Bureau.			
c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).			
6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).			
a. <input type="checkbox"/> is attached hereto.			
b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).			
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))			
a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).			
b. <input type="checkbox"/> have been communicated by the International Bureau.			
c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.			
d. <input type="checkbox"/> have not been made and will not be made.			
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).			
9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).			
10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 38 (35 U.S.C. 371(c)(5)).			
Items 11 to 20 below concern document(s) or information included:			
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.			
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.			
13. <input type="checkbox"/> A preliminary amendment.			
14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.			
15. <input type="checkbox"/> A substitute specification.			
16. <input type="checkbox"/> A power of attorney and/or change of address letter.			
17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.			
18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).			
19. <input type="checkbox"/> A second copy of the English language translation of the International application under 35 U.S.C. 154(d)(4).			

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO-1390 (Rev. 02-2005)

Approved for use through 3/31/2007, OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY DOCKET NUMBER	
10/589,711		PCT/US2004/011794		RCHP-137US	
20. Other Items or Information: PTO-2038 Response to Notification of Missing Requirements Petition Under 37 C.F.R. § 1.181 for Removal of Requirement for Sequence Listing Copy of Notification of Missing Requirements Return Postcard					
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))				\$	
22. <input type="checkbox"/> Examination Fee (37 CFR 1.492(c))				\$	
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0					
All other situations.....\$200					
23. <input type="checkbox"/> Search Fee (37 CFR 1.492(b))				\$	
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0					
Search fee (37 CFR 1.445(a)(2)) has been paid on the International application to the USPTO as an International Search Authority.....\$100					
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated by the US by the IB.....\$400					
All other situations.....\$500					
TOTAL OF 21, 22 and 23 =				\$	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h))				\$ 130	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	- 20 =		x \$50	\$	
Independent Claims	- 3 =		x \$200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 130	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/3.					
SUBTOTAL =				\$ 65	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$ 65	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 65	
				Amount to be refunded:	\$
				Amount to be charged	\$

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- a. ☐ A check in the amount of \$ ___ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. ___ in the amount of \$ ___ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 18-0350. A duplicate copy of this sheet is enclosed.
- d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

☒ Customer Number 23122

OR

☐ RatnerPrestia, P.O. Box 880, Valley Forge, PA 19482☐ RatnerPrestia, P.O. Box 1596, Wilmington, DE 19899Date: June 18, 2007

SIGNATURE

Joy Mulholland

NAME

47,810

REGISTRATION NUMBER

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RCHP-137US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 10/589,711
Applicants: Frank Ko et al.
Int'l Filing Date: April 16, 2004
371(c) Date: Not Yet Assigned
Title: GENE AND CELL DELIVERY SELF EXPANDING POLYMER STENTS
TC/A.U.: Not Yet Assigned
Examiner: Not Yet Assigned
Confirmation No.: 8801
Docket No.: RCHP-137US (formerly CHOP 0225)

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Notification of Missing Requirements dated April 16, 2007 (copy enclosed), enclosed is an executed Declaration/Power of Attorney, in compliance with 37 C.F.R. § 1.63, for the above-identified application.

The Notification of Missing Requirements indicates that a surcharge for late submission of the Declaration/Power of Attorney is due in this application. The surcharge of \$65 will be paid by credit card. Form PTO-2038 is attached.

The Notification of Missing Requirements also indicates the necessity to provide a sequence listing for this application; however, because there are no specific nucleotide or protein sequences disclosed in the application, we believe the sequence listing is unnecessary

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BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217


PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/589,711	PCT/US04/11794	CHOP 0225

FORM PCT/DO/EO/905 (371 Form) (See Notice)

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CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s): Frank Ko et al.			Docket No. RCHP-137US
Serial No. 10/589,711	Filing Date Not Yet Assigned	Examiner Not Yet Assigned	Group Art Unit Not Yet Assigned
Invention: GENE AND CELL DELIVERY SELF EXPANDING POLYMER STENTS			
I hereby certify that the following correspondence: <div style="border: 1px solid black; padding: 10px; margin: 10px 0;">Response to Notification of Missing Requirements (with Form PTO-1390 and all of the documents indicated therein as being enclosed)</div> <p style="text-align: center;"><i>(Identify type of correspondence)</i></p> <p>Is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 18, 2007</p> <div style="text-align: right; margin-top: 20px;"><div style="display: inline-block; text-align: center;"><u>EV 845832252 US</u> <i>(Typed or Printed Name of Person Mailing Correspondence)</i></div><div style="display: inline-block; text-align: center; margin-top: 10px;"> <i>(Signature of Person Mailing Correspondence)</i></div><div style="display: inline-block; text-align: center; margin-top: 10px;"><u>John Davis</u> <i>("Express Mail" Mailing Label Number)</i></div></div>			
Note: Each paper must have its own certificate of mailing.			

P06A/REV02

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www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/589,711	FIRST NAMED APPLICANT Frank Ko	ATTY. DOCKET NO. CHOP 0225
Jennifer E Langenberger Intellectual Property Specialist The Children's Hospital of Philadelphia 3615 Civic Center Boulevard - Room 807 Philadelphia, PA 19104		INTERNATIONAL APPLICATION NO. PCT/US04/11794
		I.A. FILING DATE 04/16/2004
		PRIORITY DATE 02/17/2004
		CONFIRMATION NO. 8807

Jennifer E Langenberger
Intellectual Property Specialist
The Children's Hospital of Philadelphia
3615 Civic Center Boulevard - Room 807
Philadelphia, PA 19104

CONFIRMATION NO. 8801
371 FORMALITIES LETTER

"0000000023385701"

Date Mailed: 04/16/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 08/17/2006
- Copy of the International Search Report filed on 08/17/2006
- Preliminary Amendments filed on 08/17/2006
- Information Disclosure Statements filed on 08/17/2006
- Oath or Declaration filed on 08/17/2006
- Request for Immediate Examination filed on 08/17/2006
- U.S. Basic National Fees filed on 08/17/2006
- Priority Documents filed on 08/17/2006
- Specification filed on 08/17/2006
- Claims filed on 08/17/2006
- Abstracts filed on 08/17/2006
- Drawings filed on 08/17/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - Is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath

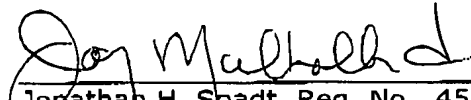
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RCHP-137US

PATENT

and enclose a Petition Under 37 CFR § 1.181 for Removal of the Requirement for a Sequence Listing. If the sequence listing is necessary, however, please specifically point out the specific sequence(s) so that we may comply with this requirement.

Respectfully submitted,


Jonathan H. Spadt, Reg. No. 45,122
Joy Mulholland, Reg. No. 47,810
Attorneys for Applicants

JHS/JM/lrb

Enclosures: Declaration/Power of Attorney;
Copy of Notification of Missing Requirements
Petition under 37 CFR § 1.181

Dated: June 18, 2007

P.O. Box 980
Valley Forge, PA 19482-0980
(610) 407-0700

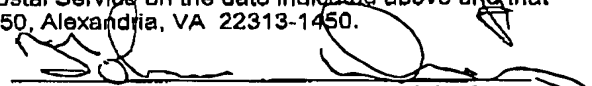
The Director is hereby authorized to charge
or credit Deposit Account No. 18-0350 for
any additional fees, or any underpayment or
credit for overpayment in connection
herewith.

EXPRESS MAIL

Mailing Label Number: EV 845832252 US

Date of Deposit: June 18, 2007

I hereby certify that this paper and fee are being deposited, under 37 C.F.R. § 1.10 and with sufficient postage, using the "Express Mail Post Office to Addressee" service of the United States Postal Service on the date indicated above and that the deposit is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


John Davis

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